# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF WEST VIRGINIA

ANTHONY JAME	S BLAXTOL	N 1052448
		•
(Enter above the full name or plaintiffs in this action).	e of the plaintiff	(Inmate Reg.# of each Plaintiff)
VERSUS	CIVIL A (Numbe	aCTION NO. 2:04-1106 er to be assigned by Court)
WESTVIY9INIA Reg	imal fail Ad	rttrit
Steven D. can South central Re	itertury gional gait	FILED
Sohn C. 1) (Enter above the full name	nckan	OCT 1 3 2004
or defendants in this actio		TERESA L. DEPPNER, CLERK U.S. District & Bankruptcy Courts Southern District of West Virginia

## I. Previous Lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes	X	No
	-	

B.	space the ac	or answer to A is yes, describe each lawsuit in the ebelow. (If there is more than one lawsuit, describe dditional lawsuits on another piece of paper, using the outline).
	1.	Parties to this previous lawsuit
		Plaintiffs: ANTHONY J BYAXTON
		Defendants: Steven O can terbury  John C. Mckay  Dr. Anthon Kaytiny
	2.	Court (if federal court, name the district; if state court, name the county):
		Southern District of West Virginia Charleston
	3.	Docket Number: # 2:04-cv-0/030
	4.	Name of judge to whom case was assigned:
	5.	Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)
		pending
	6.	Approximate date of filing lawsuit: 9-/4-04

Approximate date of disposition:

7.

II.	Place	e of Present Confinement: <u>South central gail</u>
	A.	Is there a prisoner grievance procedure in this institution?
		Yes No
	B.	Did you present the facts relating to your complaint in the state prisoner grievance procedure?
		Yes No
	C.	If your answer is YES:
		1. What steps did you take? Told every body in This sail
		and the Executive director of the Regional Bail Muthout
		2. What was the result? This sail told me to sent with
		the post office, never hear from
	D.	If your answer is NO, explain why not:
m.	Parti	es
	blank	em A below, place your name and inmate registration number in the first and place your present address in the second blank. Do the same for ional plaintiffs, if any.)
	Α.	Name of Plaintiff: ANTHONY JBraxton #10.52.448
		Address: South central Regional Pail 1001 Centre Way
	В.	Name of Plaintiff: ANTHONY J BY AXTON #10.52.448  Address: South control Regional Inil 1001 Centrol Way  Additional Plaintiffs and Address: Charleston WV 25309-942

his/h in th	em C below, place the full name of the defendant in the first blank, her official position in the second blank, and his/her place of employment e third blank. Use item D for the names, positions, and places of loyment of any additional defendants.)
C.	Defendant Mr. Steven D. Canterbury
	is employed as gecutive Director Regional Bail author
	at 1325 Virginia St. East charleston WN 25301
D.	Additional defendants: Mr. John C. Mckey Idministrate
	South central Regional gail
	1001 centre Way
	charleston WV 25309
Stat	ement of Claim
each invo case set f	e here as briefly as possible the <u>facts</u> of your case. Describe how n defendant is involved. Include also the names of other persons lived, dates and places. Do not give any legal arguments or cite any es or statutes. If you intend to allege a number of related claims, forth each claim in a separate paragraph. (Use as much space you need. Attach extra sheet if necessary).
	on attached sheet
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RELIEF				
State briefly exactl arguments. Cite n	-		<u>o for you.</u> Make r	io legal
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V. R	/. Relief (continued)				
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<del></del>					
VII.	Co	punsel			
	A.	If someone other than a lawyer is assisting you in preparing this case, state the person's name:			
	B.	Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?  Yes No			
		If so, state the name(s) and address(es) of each lawyer contacted:			
		If not, state your reasons: <u>fun in sail</u> , have moreoup			
	C.	Have you previously had a lawyer representing you in a civil action in this court?			

If so, state the lawyer's name and address:  Law firm of Rudolph 2 Ditrapano  604 Virginia Street East
Signed this
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Signature of Plaintiff or Plaintiffs
I declare under penalty of perjury that the foregoing is true and correct.  Executed on Other, 10, 2004  (Date)
Signature of Movant/Plaintiff
Signature of Attorney (if any)

Case 2:04-cy-01106, Document 2 Filed 10/13/04 Page 8 of 35 PageID #: 10

TERESA L DEPPNER, CLERK U.S. District & Bankruptcy Courts Southern District of West Virginia 09/17/2004 13. Gase 2:04-cv-01106 Document 2wvRited 10/13/04 Page 9 of 35 Page 1999: 115 of 7

SOUTH CENTRAL REGIONAL JAIL

SCRJ Canteen

SALES RECEIPT

Sales Order Id : 427834

Name : BRAXTON, ANTHONY

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Sale Date : 09/17/2004

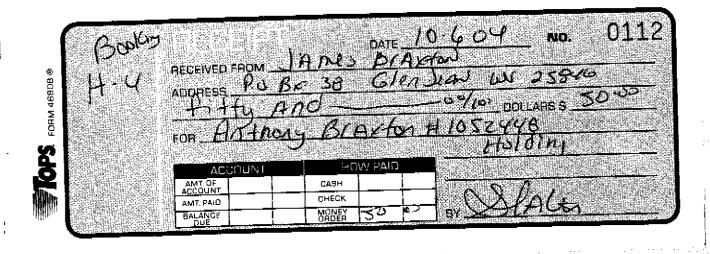
QID#

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Birth Date : 11/13/1970

Location : SCRJ-H-H-4-A; :

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10/08/2004 10 Case 2:04-cv-01106 Document 2 w Filed 10/13/04 Page 11 of 35 Page 131 of 7

SOUTH CENTRAL REGIONAL JAIL

SCRJ Canteen

SALES RECEIPT

Sales Order Id : 435139

Name : BRAXTON, ANTHONY

OID#

MEADOWSD

Sale Date : 10/08/2004

Birth Date : 11/13/1970

: 0001052448

Location : SCRJ-H-H-4-A; :

TEM CODE	<u>I</u>	QTY	ITEM NAME	ITEM PRICE	TOTAL PRICE
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218 N 3 REESE'S CUPS		0.60	1.80		
228	N	1	M&M PEANUT	0.60	0.60
241	N	1	FIREBALL, ATOMIC	0.97	0.97
243	N	2	J. RANCHER AST.	0.97	1.94
254	Ņ	3	TWIX	0.60	1.80
255	N	1	ZERO BAR	0.60	0.60
302	N	3	BBQ CHIPS	0.50	. 1.50
305	N	10	DORITO NACHOS	0.50	5.00
370	Ŋ	2	BEEF RAMEN	0.47	0.94
372	N	10	CHILI FLAVOR RAMEN	0.47	4.70
373	N .		COOKIE: CHOC. CHIP	0.60	1.20
374	N	2	COOKIE: DUPLEX CON 10/4 OUT	0.60	1.20
375	N	1	COOKIES: DUPLEX	2.25	2.25
414	N	5	HOT COCOA	0.29	1.45
3761	N	1	COOKIES: P/ BUTTER	2.25	2.25
				12.87	30.00

Trust Account Current Balance 0.36 Total Obligations: 59.00

Offender : \_\_\_\_ Date : \_\_\_





## 2:04-cv-01106 Docu**stratte OF INVEST/VIRGINIA**ge 12 of 35 PageID #: 14 DEPARTMENT OF MILITARY AFFAIRS & PUBLIC SAFETY

DIVISION OF CORRECTIONS



BOB WISE GOVERNOR

### JIM RUBENSTEIN COMMISSIONER

M. CHRISTINE F. MORRIS SECRETARY

OFFICE OF THE COMMISSIONER 112 CALIFORNIA AVENUE-STATE CAPITOL COMPLEX BUILDING 4, ROOM 300 CHARLESTON, WV 25305-0280 (304) 558-2036 Telephone - (304) 558-5934 Fax

October 4, 2004

Anthony Braxton, Inmate South Central Regional Jail 1001 Centre Way Charleston, WV 25309

Re: Regional Jail Related Grievance

Dear Mr. Braxton:

Although I sympathize with your issues, please be advised that until you are sentenced to the custody of the Division of Corrections this division has no jurisdiction over you. Further, while you are housed in a regional jail, you are subject to the rules and procedures that govern the West Virginia Regional Jail Authority. This office would advise you to use the Regional Jail Authority's grievance procedure to address your issues. If you have previously utilized the provided grievance procedure offered by the Regional Jail Authority without the desired relief, and have exhausted all available administrative relief, you are free to seek redress in the appropriate civil court.

Sincerely.

Beverly C. Gandee

Inmate Grievance Coordinator

**BCG** 

Cc: Jim Rubenstein, Commissioner

Central Records

institution through the institutional authorities. If the inmate does not consent, the personnel may either deliver the inmate's mail to the inmate unopened, or return it to the post office unopened and marked "Refused". An inmate may designate in writing an agent outside the institution to receive his or her mail, either through an authorized address of the agent, if the mail is so addressed, or at the delivery post office serving the institution, if the mail is addressed to the inmate at the institution."

The Postal Service fulfills its obligation when it affects delivery to institutional authorities. Records of delivery are kept only for Registered, Certified, Numbered Insured or COD mail. You can report the loss of any mail (accountable or ordinary) by initiating a Form 1510, Mail Non-Delivery Report. These forms should be available at your prison mailroom; however, if they are not, the prison authorities can obtain blank forms from the local post office.

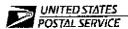
As noted above, our obligation for delivery ends with the proper delivery to the institution. Any subsequent handling falls under the purview of the West Virginia Department of Corrections, whose address is:

Commissioner
West Virginia Division of Corrections
112 California Avenue, Bldg. 4, Room 300
Charleston, WV 25305

Consequently, if you believe prison officials are mishandling your mail, I suggest you pursue this matter administratively through the Department of Corrections.

Sincerely,

2



October 8, 2004

Mr. Anthony Braxton #1052448 South Central Regional Jail 1001 Centre Way Charleston WV 25309-9427

Dear Mr. Braxton,

This is in response to your letter the U.S. Postal Inspection Service. Your letter was referred to me for review.

Please be advised that there is no form available from the Postal Service for the request that you are making. Our Post Operations Manual (POM 615.1) states the follow: *Mail addressed to patients or inmates at institutions is delivered to institution authorities who, In turn, deliver the mail to the addressee under the institution's rules and regulations. If the addressee is no longer at that address, the institution must redirect his or her mail to the current address. If the forwarding address is unknown, the mail is returned to the post office.* 

A number of Federal court decisions concerning the right of inmates to receive and send correspondence have established constitutional limits on the authority of prison authorities to censor incoming and outgoing mail. These court decisions have been based on constitutional grounds, not on violations of the Postal laws. If a court issues an order concerning inmates' correspondence privileges, the responsibility to obey the order is placed upon the prison authorities. Any mail that is refused is returned to the sender.

If you believe your mail is not being handled properly after delivery to the facility, please contact the authorities having administrative jurisdiction over that institution. In addition, you may wish to contact a representative of the American Civil Liberties Union (ACLU) or a similar local organization.

NOTE:

Bureau of Prisons 320 First Street Washington, DC 20534-0001 (202-514-2000)

Sincerely

Tim Meisner

Manager, Consumer Affairs

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# WV REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY

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# Case 2:04-cv-01106 Document 2 Filed 10/13/04 Page 18 of 35 PageID #: 20 WV REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY

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# Case 2:04-cv-01106 Document 2 Filed 10/13/04 Page 20 of \$5 PageID #-22 WV REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY

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# Case 2:04-cv-01106 Document 2 Filed 10/13/04 Page 21 of 35 PageID #: 23 WV REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY

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# Case 2:04-cv-01106 Document 2 Filed 10/13/04 Page 23 of 35 PageID #: 25 WV REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY

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# Case 2:04-cv-01106 Document 2 Filed 10/13/04 Page 25 of 35 PageID #: 27 WV REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY

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# Case 2:04-cv-01106 Document 2 Filed 10/13/04 Page 26 of 35 PageID #: 28 WY REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY

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> U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT RICHMOND, VIRGINIA 2321

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ANTHONY BLAKTON

good centre way

BC: 25309942701 25301+249390929427

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OFFICE OF THE ATTORNEY GENERAL

STATE OF WEST VIRGINIA

CHARLESTON, WV 25326-1789

P.O. BOX 1789

Anthony Braxton 1001 Centre Way Charleston, West Virginia 25309 nishballihabbalahabbladlamlihdi

# Penited States Senate

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